

House Bill 781 (Act 904) Effective date July 10, 2008

- Defines unauthorized exercise of notarial powers
 - Person not commissioned or whose commission is revoked shall not:
 - Exercise any notarial function,
 - Render or furnish notarial services,
 - Hold himself out to the public as a notary,
 - Execute any instrument as a notary,
 - Assume to be a notary or to be authorized to perform notarial powers,
 - Convey the impression he is authorized to exercise notarial powers.
 - Adds criminal penalties for violation
 - Fine of not more than \$1000 or
 - Imprisoned for not more than 2 years
 - Shall require full restitution for all cost and damages
- Defines unlawful exercise of notarial authority
 - Notaries and ex officio notaries shall not exercise notarial functions during a period when:
 - Commission or authority to exercise notarial functions is either statutorily, judicially suspended or revoked
 - No longer validly commissioned
 - Commission in retirement status
 - No longer validly possessed of the office or position from which his authority to exercise notarial functions was derived
 - Has been convicted of a felony and has not been pardoned
 - Is not authorized by law to exercise that particular notarial function.
 - Adds criminal penalties for knowing violation
 - Fine of not more than \$1000
 - Shall require full restitution for all cost and damages
 - Subject to suspension or revocation of commission or permanently enjoined from exercising any notarial function.
- Ability to file sworn complaints
 - Upon receipt of sworn complaint of violation of the provision in this Act, the Secretary of State shall:
 - Determine status of notary
 - If valid and active, notify complainant

- If not valid or active, send 10 day notice to allow notary to remedy commission status
 - If notary does not remedy status, transmit a copy of the sworn complaint to the appropriate law enforcement or prosecutorial agency for further investigation or prosecution.
- The authority of the Louisiana Supreme Court to regulate the practice of law shall supersede the provision of the Chapter with respect to the enforcement of its provisions against an attorney licensed to practice law in the state.
- Any ex officio of a municipal police department have the authority to notarize any affidavit required for the enforcement of R.S. 32:661-669.